

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
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AUG 3 2000

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

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August 3, 2000

Memo to Counsel Re: Thornell Page, et al. v. The Mayor & City Council of Baltimore
Civil No. JFM-00-1192

Dear Counsel:

I have reviewed the memoranda submitted in connection with plaintiffs' motion to file first amended complaint and defendant's motion to dismiss complaint.

Plaintiffs' motion to file first amended complaint is granted. Defendants' motion to dismiss the complaint is denied in part and granted in part. It is denied to the extent that it seeks to dismiss the common law claims against both defendants on the basis of plaintiffs' alleged failure to comply with Section 5-304 of the Courts and Judicial Proceedings Code. I am satisfied that plaintiffs have shown "good cause" for not technically complying with that section and that defendants will not be prejudiced by permitting the claims to proceed. Defendant Marsili's motion to dismiss the claims against him is also denied. Although I have substantial doubt whether Mr. Marsili can ultimately be held liable, it is in the interest of the expeditious resolution of this litigation to permit discovery to proceed and for Mr. Marsili to move for summary judgment after an evidentiary record has been established. Defendant Marsili's motion to dismiss the punitive damages claim is, however, granted. Plaintiffs have not alleged sufficient facts to sustain any punitive damages claim.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,



J. Frederick Motz
United States District Judge

cc: Court File

